

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1332 of 1983

Date of decision: 06-08-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BIPINCHANDRA RATILAL SHAH

Versus

DEPUTY SECRETARY

Appearance:

None present for Petitioners

Mr. Nigam Shukla for Respondent No. 1

CORAM : MR. JUSTICE S.K. KESHOTE

Date of decision: 06/08/96

ORAL JUDGEMENT

Mr. Nigam Shukla, learned counsel for respondent states that he is unable to give any assistance to this court on the ground that neither he has instructions from his client nor the record has been made available to him. Over and above that he is not having the papers of the case with him. It is really unfortunate to note how lightly the respondent State Government is taking the litigations pending before this Court. The petitioner is also not present.

Perused the file.

The petitioner has prayed in this special civil application for issue of a writ of mandamus or any other appropriate writ directing the respondent not to proceed with Appeal No.18 of 1982 filed by the petitioners before the said authority against the order dated 20-9-1982 of the Prant Officer, Choryasi Prant, Surat, till the decision of the Sessions Court, Sruat in Criminal Appeal No.123 of 1982 filed by the petitioners against that very order of the Prant Officer.

2. The appeal has been filed in the year 1982. It is not the case of either party that the said appeal has not been decided. The appeal would have been decided by now and that may be one of the reasons that the petitioners are not present before this Court. Otherwise also I do not find any substance in this special civil application. Provisions of the Essential Commodities Act, 1958 have been amended and the State Government is competent to proceed further in the matter against the petitioner under section 6C of the said Act even if the matter is pending before the Sessions Court.

3. No case is made out for interference of this court under Article 226 of the Constitution of India. The writ petition is dismissed. Rule discharged. Interim stay granted earlier by this court stands vacated. No order as to costs.

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